IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1894 OF 2006

Madhusudan G. Vyas ...Petitioner
vs.
The State of Maharashtra and others ...Respondents

Mr.Rajendra Sorankar for the Petitioner
Mr.S.R.Shinde,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 5,2006.

P.C.:

1. Heard Advocate for the Petitioner and the learned A.P.P. for State. The prayer made in this Petition under Article 227 of Constitution of India read with Section 439 (2) of the Code of Criminal Procedure, 1973 is for cancellation of bail granted to the Respondent Nos.2 to 4. The submission of the learned Counsel for the Petitioner is that bail/anticipatory bail was granted to the concerned Respondents only on the basis of settlement arrived at between the parties and on the basis of solemn undertakings given by the concerned Respondents to this Court. He submitted that the concerned Respondents have declined to abide by the settlement as well as solemn undertakings given to this Court. He submitted that the concerned Respondents have committed contempt of this Court by committing deliberate breach of undertakings. He submitted that as a result of compromise between the parties even the investigation has not proceeded further.

2. I have considered the submissions. Only because the

concerned Respondents have not abided by the alleged compromise and have not complied with the undertakings, bail granted in favour of the concerned Respondents cannot be cancelled. It cannot be said that the concerned Respondents have misused the liberty after they were enlarged on bail. Hence, prayer for cancellation of bail cannot be entertained.

3. So far as prayer (c) of this Petition regarding taking action against the Respondent Nos.2 to 4 under the Contempt of Courts Act, 1971 is concerned, the Petitioner will have to take out appropriate proceeding in that behalf. Even the grievance regarding failure to investigate the offence is concerned, the Petitioner will have to adopt appropriate remedy.

4. Hence, the Petition is disposed of by passing the following order :

i) Prayers (a) and (b) are rejected.

ii) So far as prayer (c) is concerned, it will be open for the Petitioner to take out appropriate proceedings in accordance with law.

. Parties to act upon an authenticated copy of this order.

JUDGE